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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,985	09/13/2000	Gerardo Roldan	KLUNE-54799	7953

24201 7590 10/21/2003

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EXAMINER

JONES, DAVID B

ART UNIT PAPER NUMBER

3725

DATE MAILED: 10/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/660,985

Applicant(s)

Roldan

Examiner

David B. Jones

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-74 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 8, 10-29, 31, 32, 34-53, and 55-74 is/are rejected.
- 7) ☒ Claim(s) 6,9,30,33 and 54 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8, 10-13, 16-29, 31, 32, 34-37, 40-53, 55, 56, 58-61, 64, 65, and 70-74 are rejected under 35 U.S.C. 102(b) as being anticipated by IT 463,541. It '541 teaches the claimed invention including a flat blank 8, a form-shaping element or die 6, and enclosing enabling element 9 which enclosed the forming area 7 of the form shaping element 6, and a flexible member "A" (Fig. 1) which expands and "moves" within the area 10 between the members 6 and 9, and finally an expansion enabling element 12, i.e., a valve and pump arrangement. Regarding claims 2 and 26, the flexible member "A" is attached to the member 9 at the connection to the tube 11. Regarding claim 7, 31, 55, and 65; it is inherent that the pressurized system uses a pump to provide for it pressure which is well known in the art. Regarding claims 10, 34, 58, 59, 60, 70, 71, and 74; the limitations "substantially large" and "substantially high pressure" are relative terms and fail to denote any particular structure over that of the prior art. Further the limitations on the article in claims 10 and 34 are not on the apparatus that is being claimed. Hence in apparatus claims the workpiece to be deformed and its parameters are given little or no patentable weight. The previous treatment of claims 10 and 34, applies to claims 11, 12, 18-23, 35, 36, and 42-47; the workpiece parameters in an

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apparatus claim are given little if any patentable weight. Regarding claims 17 and 41, see page 2, column 1, lines 30 and 31, where IT '541 states that gas or liquid can be used to within the bladder for expansion. Regarding claims 24, 48, and 72; the tube 11 of IT '541 is inherently flexible and would have to move or flex when moving the enclosing element 9 toward and away from die 6 by way of member 4/5.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 15, 38, 39, 57, 62, 63, and 66-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over IT 463,541. Regarding claims 14, 15, 38, 39, 62, and 63, IT '541 teaches the claimed invention as treated supra excepting the particulars of the material of the bladder "A". Both rubber and polyurethane are well known expedients used in deforming bladders and are well known to the artisan of ordinary skill in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the bladder "A" out of well known bladder making expedients such as rubber and polyurethane to provide for a tough and readily expandable bladder, such a provision being an obvious choice of known bladder making expedients. Regarding claim 57, to have multiplied the teaching of IT '541 so as to operate on a plurality of workpieces or to work plural areas on a workpiece would have been but an obvious choice of tooling design and obvious duplicative modification of the teaching of IT '541, without rendering no new or unobvious result. Regarding claim 66, the particular type of

metal plate being deformed would have been obvious to the skilled artisan and would have been chosen dependant upon the desired product. Aluminum being a notoriously well-known material used in hydroforming and the making of articles and products, such a choice being but an obvious choice of workpiece materials. Further regarding claims 67-69; the particular product to be made is but an obvious choice of design and would have been to the artisan of ordinary skill but a design choice of known products.

3. Claims 6, 9, 30, 33, and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Applicant's arguments filed 7/31/2003 have been fully considered but they are not persuasive. As set forth in the detailed action above, IT '541 teaches element for element the claimed structure and method set forth. Contrary to Applicant's remarks of 7/31/2003, IT '541 does teach interengageable dies 6 and 9, substantially large dies (relative limitation), and unheated dies. The claims do not set forth the limitation of a plurality of shaped portions of different radii.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David B. Jones whose telephone number is (703) 308-1887.

Any inquiry of general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

In the event that the Applicant (s) wishes to communicate via Fax number for Group 3700 is (703) 305-3579.

wahp

A handwritten signature in black ink, appearing to read "David B. Jones", is positioned above the printed name and title.

DAVID B. JONES  
PRIMARY PATENT EXAMINER  
ART UNIT 3725